

# River Heights City

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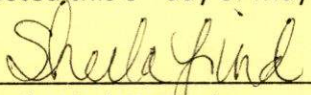
## PLANNING COMMISSION AGENDA

**Tuesday, May 11, 2021**

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at 6:30 p.m., anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Discuss Code Changes: PUD, Historic Overlay and Additional Minor Changes
- 7:00 p.m. Discuss General Plan: Areas Considered for a PUD Zone
- 7:30 p.m. Adjourn

Posted this 6<sup>th</sup> day of May 2021

  
\_\_\_\_\_  
Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/81385935127>  
Dial: 1 669 900 6833, Meeting ID: 813 8593 5127

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website ([pmn.utah.gov](http://pmn.utah.gov))

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

# River Heights City

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River Heights City Planning Commission  
Minutes of the Meeting  
May 11, 2021

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6 Present: Commission members: Levi Roberts, Chairman  
7 Noel Cooley  
8 Heather Lehnig  
9 Lance Pitcher  
10 Cindy Schaub  
11  
12 Mayor Todd Rasmussen  
13 Councilmembers: Blake Wright, Chris Milbank, Sharlie Gallup  
14 Recorder Sheila Lind  
15 IT Person Joseph Johnson  
16  
17 Others Present: Tim and Diane Poulsen, Tony Johnson, Kelly Hymas,  
18 Cindy Johnson, Vern Fielding, Mike and Ruthann Nelson,  
19 Rita Minkler, Lisa and Rod Ellis, Kathy Ruggeri, Dianne  
20 Rhoton and dog, Janet Matthews, Dana Thompson, Mary  
21 Barrus  
22

## Motions Made During the Meeting

### Motion #1

26  
27 Commissioner Pitcher moved to “approve the minutes of the April 27, 2021 Commission  
28 Meeting.” Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Pitcher,  
29 Roberts and Schaub in favor. No one opposed.  
30

## Proceedings of the Meeting

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33  
34 The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council  
35 Chambers on May 11, 2021.

36 Pledge of Allegiance: Commissioner Roberts led in the Pledge of Allegiance.

37 Adoption of Prior Minutes and Agenda: Minutes for the April 27, 2021 Planning Commission  
38 Meeting were reviewed with a couple minor changes.

39 **Commissioner Pitcher moved to “approve the minutes of the April 27, 2021 Commission  
40 Meeting.” Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Pitcher,  
41 Roberts and Schaub in favor. No one opposed.**

42 Discuss Code Changes: PUD, Historic Overlay and Additional Minor Changes: Commissioner  
43 Roberts explained the public hearing will be held two weeks from today. Councilmember Wright  
44 explained the proposed changes in the home occupation section, and other minor changes.

45 Commissioner Roberts informed there were a lot of changes in the Legislature this year,  
46 effective May 5, which affect parts of the city's code. He suggested they dive into those after the  
47 changes they are currently working on are passed to the City Council.

48 Commissioner Lehnig reviewed the changes made to the PUD Ordinance since the last  
49 meeting, which included parking, setbacks and proximity of multi-family dwellings to single family  
50 homes. Discussion was held on striking manufactured homes. Commissioner Roberts said state code  
51 precludes disallowing manufactured dwellings.

52 Commissioner Roberts remembered putting a cap on the number of residential units and  
53 suggested, "up to 35% of the units within an approved PUD may be for multi-family dwellings." As an  
54 example of this, if a development has 100 dwellings, 35 of them could be multi-family.

55 Commissioner Schaub asked why a PUD would be considered as an overlay zone.  
56 Commissioner Roberts explained the purpose is to keep the guidelines of the underlying zone, as well  
57 as the PUD zone.

58 Commissioner Cooley reminded there are additional stipulations in the mixed-use zone which  
59 they may want to incorporate into the new PUD ordinance. Commissioner Roberts suggested doing  
60 this over the next two weeks before the public hearing.

61 Commissioner Schaub pointed out that the existing PUD Zone section (10-10-1) is not an  
62 overlay zone. Mayor Rasmussen felt that designating it as an overlay zone would specify a certain  
63 underlying zone, so developers couldn't go zone shopping to where they want to create their PUD.

64 Discussion was held on not allowing PUDs in a space less than five acres, which would create a  
65 very small area of open space. Commissioner Schaub asked how they would handle it if a property  
66 was barely under five acres. Commissioner Roberts suggested they may want to allow for a little  
67 leniency. The Lois Weston property is about 4.5 acres. Councilmember Wright said last he talked to  
68 the developer, they were not planning a PUD on this property.

69 Commissioner Roberts reviewed, the density bonus of 20% cannot exceed the total density of  
70 the underlying zone. Councilmember Wright suggested clarifying how this has been calculated in the  
71 Special Provisions section. They added, "The base density is based upon the net developable acreage  
72 which is calculated as 80% of the total acreage within the development."

73 Commissioner Schaub brought up other items, which were discussed and will be revised in the  
74 next draft.

75 Discussion was held on homeowners associations and how they should be addressed. They  
76 wanted the covenants to be recorded. Commissioner Roberts would like the developer to provide a  
77 maintenance plan, addressing how the common areas and additional amenities are taken care of. He  
78 recommended adding a specific section to the code to address HOAs, at a later date.

79 The city attorney will be asked to review the code amendments to make sure they aren't  
80 conflicting with the current ordinance.

81 Commissioner Schaub explained the changes she had made to the Historical Overlay Zone,  
82 which were discussed at the last meeting.

83 Recorder Lind informed that she'll need changes by Thursday morning at 10am, so she can  
84 post notices of the public hearing.

85 Discuss General Plan: Areas Considered for a PUD Zone: Mayor Rasmussen pointed out the  
86 areas that were currently under the development moratorium. Councilmember Wright explained the  
87 city has tried to talk with all the property owners in the different areas to find out what their desires  
88 were. The Todd Weston family (600 South property) didn't care to meet, because they plan to sell

89 the property at some point. The Lois Weston property (600 East) owners probably aren't interested  
90 in a PUD and they don't have five acres. The properties bordering 800 South are all in an agricultural  
91 area, and are comprised of smaller properties, separately owned. He suggested thinking about a  
92 zone designation for these properties.

93 Commissioner Schaub asked if the city had the capability to service the areas of discussion.  
94 Councilmember Wright thought the city had enough resources if all the areas were built out, within  
95 reasonable density. Commissioner Cooley pointed out that with the state guidelines, River Heights  
96 has the ability to provide water. It would be a matter of how often the pumps would need to run.

97 Commissioner Cooley suggested the Riverdale area and church property, combined with Lois  
98 Weston's piece should be designated as PUD. He felt a certain type of design might be okay with the  
99 Todd Weston piece. They agreed they wouldn't want anything over one story in this area because it  
100 wouldn't match the neighborhood. Commissioner Cooley brought up the idea of creating a  
101 residential senior housing zone, as in other cities. He thought something like this would do well in  
102 this area. Mayor Rasmussen thought the LDS Church had first right of refusal on this property.

103 Commissioner Roberts mentioned they need to replace the mixed-use designation over the  
104 Riverdale area, since they will be deleting this section.

105 Councilmember Wright felt it would be good to take all the school properties and designate  
106 them as Parks and Rec in the General Plan changes.

107 The meeting adjourned at 8:20 p.m.

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111 \_\_\_\_\_  
Sheila Lind, Recorder

112 \_\_\_\_\_  
113 Levi Roberts, Commission Chair

AN ORDINANCE TO ADOPT CHANGES TO THE CITY CODE OF RIVER HEIGHTS, UTAH

The River Heights City Planning Commission held a duly noticed public hearing on Tuesday, \_\_\_\_\_ 2021, after which, the River Heights City Council adopted the following changes to the River Heights City Code.

3-1-4:A HOME OCCUPATION LICENSES

1. Home occupations which have the potential of an external impact greater than the impact of a normal residential use are required to obtain a CUP and (if granted) a city business license. (A business license fee may not be required. See 3-1-6) Impacts to the neighborhood will be evaluated in the following areas:

j. If an owner of the business doesn't reside in the home where business is conducted.

3-1-4

B. No license required when operated only occasionally or by an individual under 18 years old.

10-2-1: DEFINITIONS

Barber shop: Men's hair stylist shop primarily engaged in cutting, trimming, and styling men's and boys' hair; and/or shaving and trimming men's beards.

Beauty Salon: Unisex styling shop primarily engaged in furnishing services in one or more of the following: (1) cutting, trimming, shampooing, coloring, waving, or styling hair; (2) providing facials; and (3) applying makeup, (except permanent makeup). ???

Nail Salon: Primarily engaged in providing nail care services, such as manicures, pedicures, and nail extensions.

10-3-10: AMMENDMENTS

B. "... Upon approval of the petition, the planning commission shall certify its recommendations to the city council for its consideration as prescribed by sate law. If

*state*

request is rejected by the planning commission, the requestor may appeal to the city council.

10-12-1:C. Classification of New and Unlisted Uses:

2. The planning commission shall gather facts concerning the nature of the use, types of activities, impacts, etc., and shall transmit its findings and recommendations to the ~~mayor~~ and city council, who shall amend the land use chart.

10-14-2: OFF STREET ~~RESIDENTIAL~~ PARKING

- D. Width: In residential zones, driveway approaches shall be not more than twenty-eight feet (28') in width and shall be a minimum of six feet (6') from property line; (1-2016, 3-22-16) (6-2016, 9-27-16)

**RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE**

SECTION:

- 10-10-1: Intent
- 10-10-2: Use Regulations
- 10-10-3: Special Provisions
- 10-10-4: Requirements

**INTENT AND PURPOSE**

A Residential Planned unit development (R-PUD) is an overlay rezone. The purpose of a R-PUD in an overlay zone is to encourage imaginative and efficient utilization of land, to develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. These areas keep their base zoning, with that zoning's standards, conditions, and restrictions. Applicants apply for the overlay to be applied, allowing them to receive the density outlined herein in exchange for public amenities, all while retaining the original zoning of the property. This is accomplished by providing greater flexibility in the location of buildings on the land, the creation and consolidation of open spaces, and the clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within River Heights City. R-PUD incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design, amenities, a well-planned circulation system, and attractive entrances as part of the design. The combination of all these elements is necessary for the development of a R-PUD. Because of the substantial public advantages of a planned unit

development, it is the intent of this overlay zone to allow development hereunder where tracts suitable in size, location and character for the uses and structures proposed are planned and developed as units for a unified and coordinated manner. In such circumstances, where municipal planning and private development may effectively proceed together, it is necessary and appropriate that there be requirements and regulations other than on a lot by lot or subdivision basis to provide flexibility and innovation in site planning and land use relationships while also ensuring substantial compliance with the intent, objectives and purposes of this title and the city's general plan.

### **10-10-2: USE REGULATIONS**

- A. An R-PUD may be applied on properties designated potential parcels of land located in River Heights.
- B. Minimum development site: The minimum total area for an R-PUD shall be 5 acres.
- C. Base Density: The base density of a PUD shall be based on the density of the underlying zone.
- D. The city council, upon recommendation of the planning commission, may determine the density bonus upon the city council's acceptance of the design options, as set forth below. The actual bonus awarded for each incentive shall be reflective of the effort made by the developer to meet the intent of the incentive and shall be determined by the city council and not exceed 20%.
  - 1. Additional open space-up to a maximum 10% bonus
  - 2. Pedestrian and bicycle circulation -up to maximum 5% bonus
- E. The design of public streets within a PUD shall follow the applicable city standards for width of right of way and construction. Generally, all streets within a PUD in a residential zone shall be public streets.
- F. Within residential zones, PUDs should incorporate walking and biking trails and pathways for the use and enjoyment of residents. These trails and pathways may vary in width from five (5) to ten feet (10') depending on their intended use. Consideration shall be given for their connectivity or inclusion into the citywide network of trails identified in the city's general plan. Where appropriate, equal consideration for trails and pathways shall be given within residential zones.
- G. Individual private parking stalls and parking structures shall avoid direct access to public streets classified as collector in the River Heights transportation master plan. Driveways serving three (3) units or more may be allowed to access such streets, provided they are located a minimum of three hundred feet (300') from another driveway, private street, or public street when measured from the centerline of the driveway to the centerline of another driveway or street.

*Header to revise*

### **SPECIAL PROVISIONS**

The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this title: Multiple-family dwellings (should not exceed four (4) units per structure), patio homes, single-family attached, single-family that are conventional dwellings, or manufactured homes. Up to 35% of the Net Developable units may be approved for multi-family dwellings. (Ord., 1-22-2002).

*within an approved PUD developable*

*the density is based upon the net acreage which is calculated at 80% of the total acreage of the development.*

*Header to revise*

## REQUIREMENTS

- A. Minimum Area: The minimum area that may be considered for a planned unit development shall be five (5) acres.
- B. Plats Required: All planned unit developments shall require a preliminary plat and final plat.
- C. Application shall be accompanied by architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses: The use or uses, dimensions, sketch elevations, and General locations of proposed dwellings and other structures. All new buildings must incorporate a recognized architecture style. A recognized architectural style shall be one which is recognized by design professionals as having basis in classical, historical or academic architectural design philosophies.
- D. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, proposed parking, ingress, and egress. Proposed circulation pattern including private driveways, public and private streets, and pedestrian and bicycle paths.
- E. Modifications and Conditions May be Imposed: The planning commission and city council may impose modifications and conditions in consideration of factors, such as size and location, street capacities of the area, ingress and egress to adjoining streets, internal traffic, signs and lighting, building bulk and location, including residential density, coverage, and open space characteristics.
1. Security of Performance: The city council shall also require a reasonable security of performance to be provided by the developer to ensure the completion of site improvements, including, but not limited to, paving and landscaping. This security may be in cash deposit, bond, mortgage, or other security as reasonably deemed acceptable by the city council.
  2. Covenants: The city council shall require such restrictive covenants, as negotiated with the homeowners' association, as are necessary to assure compliance with the approved final development plan, to be placed on record in the office of the county recorder by deed by the developer. (Ord., 1-22-2002)
- F. That the proponents intend to start construction within one (1) year of the approval of the project and any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four (4) years from the date construction begins.
- G. That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.
- H. Proposed R-PUD adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300-foot width of open space including a landscaped Buffer as defined within this chapter.
- I. R-PUDs shall provide a minimum open area for residents and/or occupants of such development. Open space shall be land areas that are not occupied by buildings, structures, parking areas (including private driveways), streets or alleys. Said open space shall be devoted to landscaping, preservation of natural features, open pavilions, and recreational areas. Required "base" open space areas shall be contiguous, not a collection of remnants.

maybe remove?  
Heather to revise  
CCRs v. Dev. Agmt v. HOA



- J. Areas with natural features worthy of preservation, which are not buildable, such as canyons or slopes, ridgelines, wetlands, stream or creek corridors, utility corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas. The base open space requirement for zones R-8 through R-12 will be 25% of developable land, with a minimum of quarter acre per acre set aside for open space.
- K. The open space should be large enough for the use of all residents of the project or the general public. Such spaces, minimum of a half acre, should include improvements such as playgrounds, pathways, pavilions, play courts, and areas of significant native vegetation. The city council shall have final say on such improvements by the developer.
- L. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 6 features.
- M. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed.

**10-11-6: HISTORIC LANDMARK OVERLAY ZONES FOR PROPERTIES AT:  
594 SOUTH 400 EAST, RIVER HEIGHTS, UT 84321, AND 400 SOUTH 660  
 EAST, RIVER HEIGHTS, UT 84321**

- A. Declaration of Legislative Intent: It is the intent of the City of River Heights, the River Heights Planning Commission, and the River Heights City Council to establish a Historical Landmark Overlay Zone (HL) at properties known as: 594 South 400 East, River Heights, Utah 84321 and 400 South 660 East, River Heights, UT 84321. These sites are is not to conflict with the atmosphere of the surrounding residential neighborhood nor bring about noxious or nuisance activities.  
 This declaration is *not* to replace the current Residential zoning for the buildings located at 594 South 400 East, River Heights, Utah 84321 and 400 South 660 East, River Heights, UT 84321, but to allow an additional layering of zoning for the enhancement of a historical landmark within City limits.  
 Residential zoning regulations supersede any additional Historical Landmark Zoning amendments created herein.
- G. Allowed Uses:  
21. Barber Shop, Beauty Shop, or Manicure/Pedicure Shop
- H. Uses Not Permitted:  
3. Barber Shop, Beauty Shop, or Manicure/Pedicure Shop
- M. Residential Uses: The business owner/tenant/manager is allowed to reside in the structure if the structure meets the definition of a single-family residential dwelling unit and is located on a lot at least 8,000 square feet in size.  
The buildings located at 594 South 400 East, River Heights, Utah 84321 and 400 South 660 East, River Heights, Utah 84321 may be occupied as a single-family dwelling in the event the Historical Landmark Overlay (HL) zone is terminated.
- R. Site Plan Review Required

1. Concurrent with any request to rezone property to the Historic Landmark (HL) Overlay Zone, a preliminary project plan shall be submitted <sup>to</sup> ~~by~~ the Planning and Zoning Commission for review and recommendation ~~to~~ by the City Council. Said preliminary project plan shall be drawn to scale and shall contain the following information:

S. Building and Architectural Standards:

1. For property located at 594 South 400 East, River Heights, Utah 84321: The building shall have an architectural style and exterior finish similar to that of the original Sinclair Gas Station built in the 1950's.
2. For property located at 400 South 650 East, River Heights, Utah 84321: Exterior finishes shall be stucco, masonry, stone, or architectural grade metal siding. No building shall be finished with vinyl or metal siding only. Vinyl or metal siding may be used as an appropriate supplementary finish material in combination with masonry or stone. Murals or super graphics shall be specifically approved. The City Council shall be the approval agency in determining architectural style.

DRAFT